REMARKS

Claims 1 and 4-7 are all the claims pending in the application.

I. Response to Rejection under 35 U.S.C. § 103

Claims 1 and 4-7 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent Application Publication No. 2004/0038612 to Forbes et al. Applicants respectfully traverse the rejection for the reasons of record and the following additional reasons.

Sole independent claim 1 recites an extensible nonwoven fabric which is a spunbonded nonwoven fabric that comprises a fiber having substantially no crimps and comprising at least two olefin-based polymers, said at least two olefin-based polymers being of the same kind and having a difference between induction periods of strain-induced crystallization, as measured at the same temperature and the same shear strain rate, of 100 seconds or longer, wherein among the at least two olefin polymers constituting the fiber, the olefin-based polymer having the earliest induction period of strain-induced crystallization is contained in an amount of 1 to 20 wt% of the fiber, and wherein the fiber is a conjugate fiber having a concentric sheath-core configuration, in which the core resin has the earliest induction period of strain-induced crystallization.

Forbes et al. discloses polymeric filaments including a sheath polymer and a core polymer. Forbes et al. further describes that the sheath polymer can be present in the continuous filament in an amount from about 20% by weight to about 70% by weight (paragraphs [0007] and [0033]). That is, in Forbes et al.'s filaments, the core polymer constitutes not less than about 30% by weight of the fiber, to improve strength at break (strip tensile and trap tear) (see examples). In all of the examples of Forbes et al., sheath polymer and core polymer each were contained 50% by weight of the filaments.

As noted above, present claim 1 recites that the core comprises 1 to 20% by weight of the fiber, which is different from, and does not overlap or is not close to, the range of not less than about 30% by weight of the fiber described in Forbes et al.

Furthermore, the present specification demonstrates that the presently claimed fabrics can provide unexpected results. Specifically, the results in Table 3 of the present specification show that the fiber of Example 10, wherein the core comprises 50% (more than 20%) by weight of the fiber, exhibits lower extensibility at maximum load (%) than the fiber of Example 9, wherein the core comprises 20% by weight of the fiber. In addition, Applicants previously submitted a Declaration under 37 C.F.R. § 1.132 on May 21, 2008, which demonstrates that the nonwoven fabrics of Additional Experiments 1 and 2, which do not meet the recitations in present claim 1 that the polymer having the earliest induction period of strain-induced crystallization is contained in an amount of 1 to 20 wt% of the fiber, and/or that the core resin has the earliest induction period of strain-induced crystallization, showed far inferior extensibility at maximum load compared to Example 11.

Forbes et al. does not disclose or suggest the above noted effects which can be achieved in the presently claimed fabrics. Moreover, there is no description or suggestion in Forbes et al. which would have motivated one of ordinary skill in the art to achieve excellent extensibility by adjusting the ratio by weight of the core part to the total to the presently claimed range of 1 to 20%, which is outside the range described therein.

The Office Action asserts that "... a fiber having a core being 50% by weight and a sheath being 50% by weight would have a lower extensibility at maximum load. Applicant has not shown that a fiber having a core constituting about 30% by weight would have a different extensibility at maximum load ... [Forbes et al.] does not constitute a teaching away from a core being about 30% by weight" (page 3, 1st paragraph of the Office Action).

In the previous Amendment, Applicants pointed out that in all the examples of Forbes et al., sheath polymer and core polymer each were contained 50% by weight of the filaments, and further compared a sample having such contents (e.g. Example 10), which is a representative example of Forbes et al., with another wherein the core comprises 20% by weight of the fiber (Example 9). Applicants should not be required to test all the compositions described in Forbes et al. See MPEP 716.03(e)(II). It should also be noted that present claim 1 recites that the core comprises 1 to 20%, which is different from about 30%, by weight of the fiber.

In view of the foregoing, Applicants respectfully submit that present claim 1 is patentable over Forbes et al. and thus the rejection should be withdrawn. Additionally, claims 4-7 depend from claim 1 and thus are patentable over Forbes et al. at least by virtue of their dependency.

II. Conclusion

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at his earliest convenience.

Respectfully submitted,

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